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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,328	10/16/2001	Jason Lango	5693P116	4985
48102	7590	05/22/2006	EXAMINER	
NETWORK APPLIANCE/BLAKELY			BILGRAMI, ASGHAR H	
12400 WILSHIRE BLVD			ART UNIT	
SEVENTH FLOOR			PAPER NUMBER	
LOS ANGELES, CA 90025-1030			2143	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,328

Applicant(s)

LANGO ET AL.

Examiner

Asghar Bilgrami

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2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/02/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 March 2006 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 6, 8-14 & 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srikantan et al (U.S. Pub No 2002/005612 A1).

4. As per claims 1, 6, 9, 13, 16 & 20 Srikantan disclosed a method for reducing peak output traffic bursts in a processing system where a first packet of data is scheduled to be delivered to more than one downstream client system substantially simultaneously, the method comprising: modifying a specified packet delivery time of the first packet of data (partagraph.26, lines 1-4), for delivery of the first packet of data to a first downstream client system, by pseudo-randomly selecting a first delay value and adding the first delay value to the specified packet delivery time

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of the first packet data; and modifying the specified packet delivery time of the first packet of data for delivery of the first packet of data to a second downstream client system, by pseudo-randomly selecting specified packet delivery time of second first packet of data. Although Srikantan did not explicitly disclose modifying the media data packet's delivery time for first and second client respectively so that the media data packet from a source reaches the first and second client at slightly different times (page.3, paragraphs.36 & page.4, paragraphs.46 & 53). However Srikantan disclosed the media frames (packets) of a live event from a single source being simultaneously streamed (multiple streams) in a real-time to multiple users in a specified order within a certain period of time (i.e. time interval T1, T2 etc) {paragraphs. 25 & 26(lines 1-8)}. Therefore in order for the packets of a single live transmission to be delivered to multiple clients as described by Srikantan time delay techniques are utilized (paragraph, 8 "different time indices (time intervals)for different clients"). At the time the invention was made it would have obvious to one in the ordinary skill in the art to understand that the above-disclosed method by Srikantan involves modifying the media data packet's (frame) delivery time belonging to single media source (live event) in order to accommodate simultaneous real-time transmission to multiple clients.

5. As per claims 2, 19 & 21 Srikantan disclosed the method of claim 1 wherein pseudo-randomly selecting the first delay value comprises pseudo-randomly selecting the first delay value from within a specified time range (Page.1, Paragraph.8, page.2, paragraph.26, page.3, paragraphs.36 & page.4, paragraphs.46 & 53).

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6. As per claims 3 & 11 Srikantan disclosed the method of claim 10 wherein the first client delay is pseudo-randomly selected from the range: 0 to approximately 500 milliseconds (page.4, paragraph.40, lines 1-10).

7. As per claims 5, 8 & 12 Srikantan disclosed the method of claim 1 further comprising: receiving a data file from the upstream server, the data file including a payload portion of the first streaming media data packet and a payload portion of the second streaming media data packet (page.2, paragraph.30); and storing the data file in a storage within the streaming media cache (page.6, paragraph.75).

8. As per claims 10 & 14 Srikantan disclosed the computer system of claim 9 wherein the second thread is configured to form the first delayed first data packet in response to the first client delay by adding the first client delay to the first delivery time (Page.1, Paragraph.8, page.2, paragraph.26, page.3, paragraphs.36 & page.4, paragraphs.46 & 53).

Response to Arguments

9. Applicant's arguments filed 09/19/2005 have been fully considered but they are not persuasive.

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10. Applicant argued "Srikantan does not disclose pseudo-randomly selecting delay value in accordance the amended claims.

11. As to applicants arguments please see Examiner's rejection on line 4.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

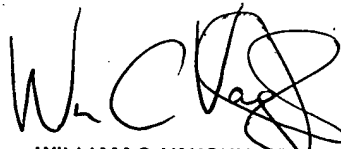
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AB

Asghar Bilgrami
Examiner
Art Unit 2143


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER